



503.28546CV9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Kojima, et al.
Application No.: 09/917,912
Filed: July 31, 2001
For: METHOD AND APPARATUS FOR PROCESSING
SAMPLES
Group: 1756
Examiner: M. Angebranndt

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 24, 2005

Sir:

Petitioner, Hitachi, Ltd., having its place of business at 6, Kanda Surugadai 4-chome, Chiyoda-Ku, Tokyo 100, Japan, represents that it is the sole owner of the entire interest of the above-identified Application No. 09/917,912, filed July 31, 2001, for METHOD AND APPARATUS FOR PROCESSING SAMPLES, and that the Assignment of all rights in connection with the above-identified application has been recorded at Reel 007493, Frame 0623.

Petitioner hereby disclaims all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 USC § 154 to 156 and 173, of U.S. Patent No. 6,656,846, issued December 2, 2003, and hereby agrees that any patent issued

on the above-identified application shall be enforceable only for and during such time as the said U.S. Patent No. 6,656,846 and the above-identified application are commonly owned.

Petitioner, however, does not disclaim the terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term, defined in 35 USC § 154 to 156 and 173, of the above-listed U.S. patent No. 6,656,846 in the event that U.S. Patent No. 6,656,846 expires: for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of the above-referred-to full statutory term, except for the separation of legal title as stated above.

This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

The undersigned is an attorney of record in this application and is empowered to act on behalf of Hitachi, Ltd. for execution and submission of Terminal Disclaimers, in accordance with the provisions of 37 CFR § 1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine,

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

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